

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

CENTER FOR FOOD SAFETY, <i>et al.</i> ,	)	No. 19-72109
	)	
<i>Petitioners,</i>	)	
	)	
v.	)	
	)	
ANDREW WHEELER, <i>et al.</i> ,	)	
	)	
<i>Respondents,</i>	)	
	)	
and	)	
	)	
DOW AGROSCIENCES LLC,	)	
	)	
<i>Respondent-Intervenor.</i>	)	
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POLLINATOR STEWARDSHIP	)	Case No. 19-72280
COUNCIL.,	)	
	)	
<i>Petitioners,</i>	)	
	)	
v.	)	
	)	
ANDREW WHEELER, <i>et al.</i> ,	)	
	)	
<i>Respondents,</i>	)	
	)	
and	)	
	)	
DOW AGROSCIENCES LLC,	)	
	)	
<i>Intervenor.</i>	)	
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**DECLARATION OF SYLVIA SHIH-YAU WU IN SUPPORT OF  
CENTER FOR FOOD SAFETY ET AL. PETITIONERS' UNOPPOSED  
MOTION TO EXTEND BRIEFING SCHEDULE**

I, Sylvia Shih-Yau Wu, hereby declare as follows:

1. I serve as counsel for Petitioners Center for Food Safety and Center for Biological Diversity (collectively CFS Petitioners) in this case. I am a member in good standing of the Bar of this Circuit. I have personal knowledge of the facts stated herein.

2. On January 23, 2020, this Court adopted the stipulated briefing schedule submitted by the parties in these above-captioned consolidated petitions for review. Order, ECF No. 27. The Court subsequently reset the due date for Petitioners to file their opening briefs from June 18, 2020, to July 16, 2020, in light of logistical issues related to the COVID-19 virus. Order, ECF No. 29.

3. CFS Petitioners are requesting another extension of the deadline for Petitioners' opening brief from July 16, 2020 to August 27, 2020. Counsel for CFS Petitioners makes the requested extension based on diligence and substantial need.

4. As stated in the concurrently filed motion, Counsel for CFS Petitioners also serve as counsel, and represent many of the same petitioners, in *National Family Farm Coalition, et al. v. EPA and Monsanto Co.*, No. 19-70115 (9th Cir. mandate issued June 3, 2020). The Ninth Circuit issued its opinion and mandate in that petition for review on June 3, 2020. *See Nat'l Family Farm Coal.*, No. 19-70115, ECF Nos. 125-126. Factual developments since the issuance of that mandate have required counsel for CFS Petitioners to engage in briefing on several

emergency motions, including emergency motions to recall the mandate, emergency motions to intervene, as well as emergency motions to submit amicus briefs. *See id.*, ECF Nos. 127-1 to 168. These motion practices haven taken up the majority of counsel for CFS Petitioners' time.

5. Pursuant to Circuit Rule 27-1 and the accompanying Circuit Advisory Committee Note, I have solicited the positions of the other parties on CFS Petitioners' current request to extend the opening briefs deadline, and to adjust the remaining briefing deadlines in these consolidated petitions for review as follows:

- Petitioners' Opening Briefs due August 27, 2020
- Respondents' Answering Brief due November 6, 2020
- Intervenor's Answering Brief due November 20, 2020
- Petitioners' Optional Replies due December 21, 2020

Counsel for Respondent EPA stated that EPA consents to the motion. Counsel for Intervenor Dow AgroSciences LLC (Dow) stated that Dow consents to the motion. Counsel for Pollinator Stewardship Counsel *et al.* Petitioners (PSC Petitioners) stated that PSC Petitioners consent to the motion.

6. The court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of June, 2020 in San Francisco, California.

s/ Sylvia Shih-Yau Wu  
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*Counsel for Petitioners Center for Food  
Safety, et al.*